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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAIYAN CHEN, KENYA WATSON, S.O.,
GERTRUDE CRIBBS, HANA BROOME, and
MEI IENG LEE, individually, and on behalf of all
persons similarly situated,

Plaintiffs,

vs.

TOM VILSACK, in his official capacity as Secretary
of the U.S. Department of Agriculture (USDA), and
DR. TAMEKA OWENS, in her official capacity as
Acting Administrator of the USDA Food and
Nutrition Service,

Defendants.

23 Civ. 1440 (VEC)

STIPULATED CONFIDENTIALITY AGREEMENT AND ~~PROPOSED~~
PROTECTIVE ORDER

WHEREAS, plaintiffs Haiyan Chen, Kenya Watson, S.O., Gertrude Cribbs, Hana Broome, and Mei Ieng Lee intend to rely on records of the New York State Office of Temporary and Disability Assistance reflecting the issuance to plaintiffs, and plaintiffs' use of, SNAP/P-EBT benefits (the "SNAP Records") in support of their forthcoming motion for summary judgment;

WHEREAS, defendants Tom Vilsack and Dr. Tameka Owens do not concede that the SNAP Records or any other records not included in the Certified Administrative Record (ECF No. 51) are appropriately considered on summary judgment in this Administrative Procedure Act matter, and hereby reserve the right to challenge plaintiffs' reliance on such records; and

WHEREAS, notwithstanding defendants' foregoing reservation of rights, plaintiffs and defendants (together, the "Parties") agree that the SNAP Records should be kept confidential in accordance with 7 C.F.R. § 272.1(c); 7 C.F.R. § 278.1(q); N.Y. Soc. Serv. Law § 136; and 18 N.Y.C.R.R. Part 357;

IT IS STIPULATED AND AGREED, by and between plaintiffs and defendants (together, the "Parties"), as follows:

1. The SNAP Records will be considered confidential, and will be held and used by the individuals described in paragraph 2 of this Stipulation solely in connection with this action and for no other purpose whatsoever.

2. Dissemination of the SNAP Records shall be limited to:

- a. the Parties to this action;
- b. counsel retained for this action, including attorneys in the Office of the General Counsel, U.S. Department of Agriculture;
- c. employees of such counsel (including employees of both the U.S. Department of Justice and U.S. Department of Agriculture) to the extent such employees (i) are actively working on the defense or prosecution of the claims or defenses in this action, and (ii) have a need to access the SNAP Records or information therein in order to perform their responsibilities in connection with this action; and
- d. the Court and its support personnel.

3. In accordance with Rule 5.B.ii of the Court's Individual Practices in Civil Cases, the Parties agree that the SNAP Records and unredacted copies of any pleadings, motions, or other papers that quote, reference, or otherwise disclose information contained in the SNAP Records shall be filed under seal.

4. Inadvertent disclosure of the SNAP Records or information contained therein shall not constitute a waiver of confidentiality. The inadvertently disclosing party shall ensure that, within five business days, the person receiving the inadvertent disclosure either returns or destroys all copies. The inadvertently disclosing party shall confirm, in writing to opposing counsel, that the inadvertently disclosed information has been returned or destroyed.

5. Nothing in this Stipulation constitutes an admission by any Party that the SNAP Records or information contained therein are relevant or admissible. Each Party reserves the right to object to the use or admissibility of the SNAP Records in this action.

6. The Court shall retain jurisdiction over all persons subject to this Stipulation and ~~Proposed~~ Order to the extent necessary to enforce any obligations arising hereunder or to impose sanctions for any contempt thereof.

Notwithstanding any provisions of this Stipulation and Order, the parties must comply with Rule 5 of the Undersigned's Individual Practices in Civil Cases when seeking leave to file any document under seal or in redacted form.

SO STIPULATED AND AGREED.

Dated: December 18, 2024

FRESHFIELDS US LLP

/s/ Mary Eaton

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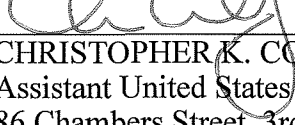
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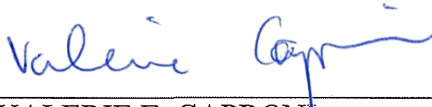
SO ORDERED.

Dated: December 19, 2024
New York, New York

New York, New York
Dated: December 18, 2024

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Southern District of New York
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VALERIE E. CAPRONI
United States District Judge